

Attorney Docket No.: 022128-000300US

PTO/SB/01A (08-03)

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>METHODS AND APPARATUS FOR TREATMENT OF PATENT FORAMEN OVALE</b>
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/665,974, filed on September 18, 2003,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed

to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor 1	<u>MR. MARK E. DEEM</u>	Date:	<u>1/19/04</u>
Signature:	<u>[Signature]</u>	Citizen of:	<u>United States</u>

Inventor 2	<u>MR. HANSON GIFFORD, III</u>	Date:	<u>1/20/04</u>
Signature:	<u>[Signature]</u>	Citizen of:	<u>United States</u>

Inventor 3	<u>MR. WILLIAM MALECKI</u>	Date:	<u>1/19/04</u>
Signature:	<u>[Signature]</u>	Citizen of:	<u>United States</u>

Inventor 4	<u>MR. KENNETH HORNE</u>	Date:	<u>1/19/04</u>
Signature:	<u>[Signature]</u>	Citizen of:	<u>United States</u>

☐ Additional inventors are being named on additional form(s) attached hereto.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: MARK E. DEEM et al.Application No./Patent No.: 10/665,974Filed/Issue Date: SEPTEMBER 18, 2003Entitled: METHODS AND APPARATUS FOR TREATMENT OF PATENT FORAMEN OVALECIERRA, INC.a DELAWARE CORPORATION(Name of Assignee)  
etc.)(Type of Assignee, e.g., corporation, partnership, university, government agency,  
etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To : \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To : \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To : \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

1/19/04  
Date

650-298-9500  
Telephone number

MARK E. DEEM

Typed or printed name

[Signature]  
Signature

Chief Technical Officer  
Title



**COPY**

Atty Docket No. 022128-000300US

PTO FAX NO.: (703) 306-5995

ATTENTION: ASSIGNMENT BRANCH  
TELEPHONE NO.: (703) 308-9723

Group Art Unit: 3738

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**ASSIGNMENT BRANCH**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document(s) in re Application of MARK E. DEEM et al. Application No. 10/665,974, filed September 18, 2003 for METHODS AND APPARATUS FOR TREATMENT OF PATENT FORAMEN OVALE is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Number of pages being transmitted, including this page: **3**

Dated: \_\_\_\_\_

1/27/04

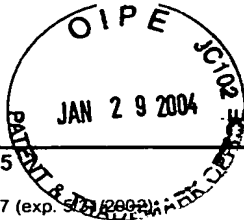
JODIE M. RIVAS

Document(s) Attached

1. RECORDATION FORM COVER SHEET (1 PAGE)
2. ASSIGNMENT OF PATENT APPLICATION (1 PAGE)

***PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300***

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400  
Fax: 650-326-2422



**COPY**

Attorney Docket No. 022128-000300US

Form PTO-1595  
(Rev. 10-02)  
OMB No. 0651-0027 (exp. 5/31/2002)

**Recordation Form Cover Sheet  
PATENTS ONLY**

U.S. Department of Commerce  
U.S. Patent and Trademark Office

Tab settings ⇄⇄⇄ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

**1. Name of conveying party(ies):**

MARK E. DEEM, HANSON GIFFORD,  
WILLIAM MALECKI and KENNETH HORNE

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No.

**3. Nature of conveyance:**

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other:

Execution Date: January 19, 2004 and January 20, 2004

**2. Name and address of receiving party(ies)**

Name: Cierra, Inc.

Internal Address:

Street Address: 604-D Fifth Avenue

City: Redwood City State: CA ZIP: 94063

Additional name(s) and address(es) attached? ☐ Yes ☒ No

**4. Application number(s) or patent number(s):**

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 10/665,974

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

**5. Name and address of party to whom correspondence concerning document should be mailed:**

Name: Scott M. Smith, M.D.  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
(415) 576-0200

**6. Total number of applications and patents involved 1**

7. Total fee (37 CFR 3.41): -----\$40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

8. Deposit account number: **20-1430**

(Attach duplicate copy of this page if paying by deposit account)

**DO NOT USE THIS SPACE**

**9. Statement and signature.**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Scott M. Smith, M.D.  
Name of Person Signing  
Atty. Reg. No. 48,268

  
Signature

1/27/04  
Date

Total number of pages including cover sheet, attachments and documents: 2

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

# COPY

Attorney Docket No.: 022128-000300US

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, MARK E. DEEM of 685 Sierra Avenue, Mountain View, CA 94041; HANSON GIFFORD of 3180 Woodside Rd., Woodside, CA 94062; WILLIAM MALECKI of 510 Clayton Street., San Francisco, CA 94117; KENNETH HORNE of 926 Bautista Court, Palo Alto, CA 94303 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: METHODS AND APPARATUS FOR TREATMENT OF  
PATENT FORAMEN OVALE

Date(s) of execution of Declaration:

Filing Date: September 18, 2003

Application No.: 10/665,974; and

WHEREAS, Cierra, Inc., located at 604-D Fifth Ave., Redwood City, CA 94063, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

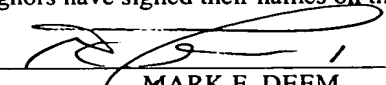
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 1/19/04

  
MARK E. DEEM

Dated: 1/20/04

  
HANSON GIFFORD

Dated: 1/19/04

  
WILLIAM MALECKI

Dated: 1/19/04

  
KENNETH HORNE

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby appoint:

☒ Practitioners associated with the Customer Number**20350**

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

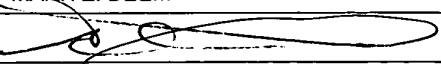
Assignee Name and Address:

CIERRA, INC.  
604-D FIFTH AVENUE  
REDWOOD CITY, CA 94063

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	MARK E. DEEM		
Signature		Date	1/19/04
Title	Chief Technical Officer	Telephone	650-298-9500